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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,487	12/15/2003	Robert Hong Leung Chiang	9930A	3809

7590 03/24/2009  
Wall Marjama & Bilinski LLP  
101 South Salina Street  
Suite 400  
SYRACUSE, NY 13202

EXAMINER
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ALI, MOHAMMAD M

ART UNIT	PAPER NUMBER
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3744

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03/24/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte:* ROBERT CHIANG, EUGENE DADDIS, KWOK FUNG, and  
SUE-LI CHUANG

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Application No. 10/736,487  
Technology Center 3700

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Mailed: March 24, 2009

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Before KRISTA ZELE *Deputy Chief Appeals Administrator*  
ZELE, *Deputy Chief Appeals Administrator*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on August 18, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the

application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

EXAMINER'S ANSWER, EVIDENCE RELIED UPON

Section §1207.02 of the *Manual of Patent Examining Procedure*

(MPEP) (Eighth Edition, Rev. 6, September 2007) states:

(A) CONTENT REQUIREMENTS FOR EXAMINER'S ANSWER. The examiner's answer is required to include, under appropriate headings, in the order indicated, the following items:

. . . .

(8) Evidence Relied Upon. A listing of the evidence relied on (e.g., patents, publications, admitted prior art), and in the case of nonpatent references, the relevant page or pages.

The Examiner's Answer mailed October 31, 2007, is deficient because the "Evidence Relied Upon" section fails to include the reference Akoi cited on pages 7 and 9 in the Examiner's Answer's Response to Arguments section.

Appropriate correction is required.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

1) issue a PTOL-90 citing the missing reference listed under the

Evidence Relied Upon section, paragraph (8); and

Application No. 10/736,487

2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the  
Board of Patent Appeals and Interferences at 571-272-9797.

KZ/MTV/tsj

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